

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

CARMILLA TATEL, STACY DUNN, and
GRETCHEN MELTON, individually and as
parents and natural guardians of their children,

Plaintiffs,

v.

MT. LEBANON SCHOOL DISTRICT,
MEGAN WILLIAMS, DR. TIMOTHY
STEINHAEUER, DR. MARYBETH D.
IRVIN, BRETT BIELEWICZ, and JACOB W.
WYLAND,

Defendants.

CIVIL ACTION NO. 2:22-cv-837

Judge Joy Flowers Conti

***AMICUS CURIAE* LEBO PRIDE’S REPLY BRIEF TO PLAINTIFFS’ RESPONSE IN
OPPOSITION TO LEBO PRIDE’S MOTION FOR RECONSIDERATION OF THE
COURT’S OPINION DENYING LEBO PRIDE’S MOTION FOR LEAVE TO FILE AN
AMICUS CURIAE BRIEF**

Once again, Plaintiffs ignore and misconstrue Lebo Pride’s argument. Even Plaintiffs’ description of the standard on motion for reconsideration completely ignores case law cited by Lebo Pride, including cases from this Court, which have held that motions for reconsideration may be granted where “the court overlooked arguments that were previously made,” *Black Bear Energy Servs., Inc. v. Youngstown Pipe & Steel, LLC*, 2021 WL 4751746, at *3 (W.D. Pa. 2021), and “where the court has ‘patently misunderstood a party or . . . has made an error not of reasoning but of apprehension.’” *Ivy v. Wetzel*, 2023 WL 3074900, at *1 (W.D. Pa. 2023) (quoting *Rohrboach v. AT & T Nassau Metals Corp.*, 902 F. Supp. 523, 527 (M.D. Pa. 1995)) (emphasis added).

Pointing to Lebo Pride’s use of terms like “misconstrue,” “misunderstand,” and “mischaracterize,” Plaintiffs claim that Lebo Pride merely disagrees with the Court’s reasoning

in its *Amicus* Opinion. (ECF No. 133 at 2). These terms, however, do not support Plaintiffs' incorrect assertion that Lebo Pride is challenging the Court's reasoning; rather, these terms are synonymous with "misunderstanding" or "misapprehension," the language used by the Court in *Ivy* to describe instances in which it is appropriate to grant a motion for reconsideration. *Ivy*, 2023 WL 3074900, at *1. Thus, the "10 times" Lebo Pride uses terms like "misconstrue," "misunderstand," and "mischaracterize" each represent an instance in which Lebo Pride is illustrating for the Court that its conclusion is based on "an error not of reasoning but of apprehension," warranting reconsideration. Plaintiffs again simply misrepresent Lebo Pride's argument. Lebo Pride in no way argued in its Motion for Reconsideration that the Court made errors in reasoning. Rather, Lebo Pride repeatedly maintained and detailed how the Court misunderstood, misapprehended, and overlooked its legal arguments and interests in this case – errors that amount to "clear errors of law or fact" under relevant case law. *See Bootay v. KBR, Inc.*, 437 F. App'x 140, 147 (3d Cir. 2011); *Ivy*, 2023 WL 3074900, at *1; *Black Bear*, 2021 WL 4751746, at *3.

Lebo Pride does agree with Plaintiffs that a decision to deny or accept an *amicus* brief is fully within the discretion of the Court. Lebo Pride asks that this Court exercise that discretion to reexamine Lebo Pride's *Amicus* brief in light of the errors in apprehension and overlooked arguments *Amici* identify in its Motion for Reconsideration, and that the Court reconsider its decision with respect to the *Sciotto* factors based on this reevaluation of Lebo Pride's brief, rather than on the inaccurate representations submitted to the Court by Plaintiffs, first in their Response in Opposition to Lebo Pride's Motion for Leave to File (ECF No. 118) and now in their Response in Opposition to Lebo Pride's Motion for Reconsideration (ECF No. 133).

Respectfully submitted,

/s/ Jacqueline Perlow

Jacqueline Perlow

PaID 321594

jperlow@womenslawproject.org

/s/ Daniel G. Vitek

Daniel G. Vitek

PaID 209013

dvitek@cpjlaw.org

/s/ Anne Puluka

Anne Puluka

PaID 322652

apuluka@cjplaw.org

Women's Law Project

239 Fourth Avenue, Suite 2108

T (412) 281-2892

Community Justice Project

100 Fifth Avenue, Suite 900

Pittsburgh, PA 15222

T (412) 434-6002

Counsel for Lebo Pride